



INTERNATIONAL
URANIUM (USA)
CORPORATION

Independence Plaza, Suite 950 • 1050 Seventeenth Street • Denver, CO 80265 • 303 628 7798 (main) • 303 389 4125 (fax)

March 16, 1999

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PROGRAM

Mr. Terry Brown, Off-Site Coordinator
U.S. Environmental Protection Agency, Region VIII
999-18th Street, Suite 500
Denver, CO 80202-2466

Re: Request for Acceptability Determination for IUSA's White Mesa Mill Under CERCLA Off-Site Rule

Dear Mr. Brown:

International Uranium (USA) Corporation ("IUSA") operates a uranium recovery facility called the White Mesa Uranium Mill, located approximately six miles south of Blanding, Utah. The Mill processes uranium-bearing material for the extraction of uranium. Residuals, or "tailings," from this process, defined as "11e.(2) byproduct material," are disposed of in a "cell" or impoundment at the site. The Mill operates in accordance with Source Material License No. SUA-1358 issued by the Nuclear Regulatory Commission ("NRC"), pursuant to the Atomic Energy Act of 1954, as amended, and the Uranium Mill Tailings Radiation Control Act of 1978 ("UMTRCA"), as amended, as effectuated by NRC regulations set forth at 10 CFR part 40, including Appendix A and applicable NRC guidance documents. IUSA plans to accept and process uranium-bearing material from off-site CERCLA removal or remedial actions and therefore requests that EPA Region VIII make an acceptability determination for the White Mesa Mill in accordance with the CERCLA off-site rule at 40 CFR § 300.440.

11e.(2) byproduct material is expressly excluded from the definition of solid (and thus hazardous) waste under the Resource Conservation and Recovery Act ("RCRA"). See RCRA § 1004(27); 40 CFR § 261.4(a)(4). As such, the White Mesa Mill is not a RCRA Subtitle C treatment, storage or disposal facility. Rather, as noted above, the facility is subject to a federal NRC Source Material License. For such a facility, we understand an acceptability determination depends on a finding that there are no relevant violations at or affecting the unit or units receiving the CERCLA waste under applicable Federal (NRC) laws and that no "environmentally significant release of hazardous substances has occurred at [the] facility unless the release is controlled by an enforceable agreement for corrective action under an applicable Federal or State authority." See 40 CFR §§ 300.440(b)(1) and 300.440(b)(2)(ii)(D). We understand further that this determination will be based substantially on whether the federal agency with jurisdiction over the facility, the NRC, concludes there have been no releases from

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the mill, and no relevant violations.¹ Accordingly, we invite EPA Region VIII to contact Mr. N. King Stablein, Acting Branch Chief, or Ms. Charlotte Abrams, both of whom are familiar with the operations at the Mill, at the following address:

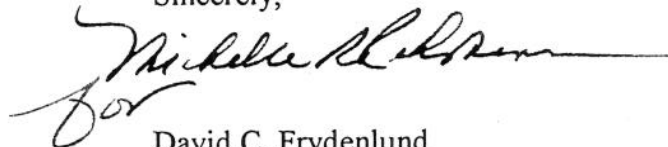
Mr. N. King Stablein, Acting Branch Chief
Uranium Recovery Branch
U.S. Nuclear Regulatory Commission
MS T7J8
Washington, DC 20555
Phone: 301-415-7238

Ms. Charlotte Abrams
Uranium Recovery Branch
U.S. Nuclear Regulatory Commission
MS T7J8
Washington, DC 20555
Phone: 301-415-7238

We also invite you to coordinate this activity with Mr. Milton K. Lammering, Supervisor, Environmental Protection, in the EPA Region VIII office, respecting the interface between EPA and the NRC UMTRCA program.

Thank you for your prompt response to this request. Please call me at 303-389-4130 should you have any questions.

Sincerely,



David C. Frydenlund
Vice President and General Counsel

DCF:rap

cc: N. King Stablein, U.S. NRC
Charlotte Abrams, U.S. NRC
Milton K. Lammering, U.S. EPA
Kip Huston, U.S. Army Corps of Engineers

¹ Consistently, it is EPA policy that sites licensed by the NRC (such as the White Mesa Mill) should not be included on the NPL because "the NRC has full authority to require cleanup of releases from such facilities." 48 Fed. Reg. 40658, 40661, (1983).